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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,641	02/26/2002	Patrick L. Faith	VISAP065	5363
22434	7590	10/14/2005	EXAMINER	
BEYER WEAVER & THOMAS LLP P.O. BOX 70250 OAKLAND, CA 94612-0250			LEMMMA, SAMSON B	
			ART UNIT	PAPER NUMBER
			2132	

DATE MAILED: 10/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/085,641

Applicant(s)

FAITH ET AL

Examiner

Samson B. Lemma

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7&8.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## ***DETAILED ACTION***

1. **Claims 1-23** have been examined.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claim 8** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites the limitation "receiving information associated with the current transaction". It is not only vague but also ambiguous. The disclosure is not supporting this limitation since It could be interpreted in various ways. For instance the client could be the one which is receiving the information or the transaction engine could be the one which is receiving the information. The disclosure is silent about this feature. In order to overcome this ambiguity the applicant in claim 8 should indicate which entity is the one which sends the information or which entity is the one which receive the information.
  - **Claim 8 also** recites the limitation, "generating features for a first set of keys associated with the current transaction", this limitation is not clearly

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described in the disclosure because according to the disclosure this generating features could be done either at the server side or in the transactional information sources. In order to overcome this ambiguity the applicant in claim 8 should indicate which entity is the one which generates a first set of keys.

- **Claim 8 also recites** the “comparing.....” and “comparing.....” features, the “determining...” and “determining...” features and “encrypting...” and “encrypting...” features. The claim did not specify where each of these steps are done. Even though, it is not disclosed in the disclosure whether or not those limitations/steps are done in either at the server or at the client, they have be done either at the client or at the server. In order to overcome this ambiguity the applicant in claim 8 should indicate in which entity each of these steps takes place.

4. **Claims 9-16** depend from the rejected claim 8 respectively, and include all the limitations of the respective claims, thereby rendering those dependent claims indefinite

5. **Claim 17** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation in claim 17 recites the features requiring the steps which could be performed in different entity from what is described in the disclosure. This is not only ambiguous but one of ordinary person skilled in the art would not have sufficient information to have a clear interpretation presented in the claim language in view of the specification. Therefore, claim 17 is required to be rewritten in such a way that the limitation is fully supported in the disclosure.

**For the sake of examination Claim 8 and claim 17 are interpreted in view of the embodiment shown/presented in figure 2-4 by the applicant.**

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6. **Claims 18-22** depend from the rejected claim 17 respectively, and include all the limitations of the respective claims, thereby rendering those dependent claims indefinite
7. **Claim 2** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 2 recites the term "substantially". Since it is a relative term, It does not have a clear and well defined meaning. It has to be either be removed/replaced to avoid ambiguity.
8. **Claims 3-5** depend from the rejected claim 2 respectively, and include all the limitations of the respective claims, thereby rendering those dependent claims indefinite

### ***Claim Objections***

9. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

There are two different claims designated to be claim number 22, and the second claim 22, should be renumbered to claim 23 and likewise claim 23 should be renumbered to be claim 24.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

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10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. **Claims 1, 6-8, 17-19 and 20-23** are rejected under 35 U.S.C. 102(b) as being anticipated by Shambroom (hereinafter refereed as **Shambroom**) (U.S. Patent No. 5,923,756) (Provided by the applicant and included in the applicant IDS)

12. **As per claim 1** **Shambroom** discloses a computing system (figure 1) for processing a transaction [Column 7, lines 53-55] (“encrypt future transactions”), the computing system (See figure 1) comprising:

A server system, [Figure 1, ref. Num “300” and figure 3, ref. Num “305”] the server system being arranged to process information associated with the transaction [Column 7, lines 53-55] (the server 300 continues to use the session key to encrypt future transactions”); and

A client system (figure 1, ref. Num “200” and figure 3, ref. Num “205”), the client system being in communication with the server system [See figure 2], wherein the client system includes a key engine which is arranged generate keys [column 7, lines 43, “client 200 creates session key” and see also claim 21 “ a client generated session key”] and

The client system and the server system are arranged to cooperate [column 7, lines 53-55, “see the hand shake shown on figure 2, ref. Num “210” is successful and see also the cooperation of the client and the server shown on figure 2, ref. Num “206”-“212”] to assess risk associated with the transaction. [It is inherently included that the client and the server assessed the risk of communication and whatever transaction is going to be made between them over the insecure network through the steps shown in figure 2]

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13. **As per claim 17 and 23**, Shambroom discloses a computer-implemented method for handling a local transaction, the computer-implemented method comprising: receiving a local transaction from a source [column 7, lines 15-19, "the web server receiving a local transaction request from the a web browser from the client/source"]; encrypting at least a portion of the local transaction into at least one local transaction key[column 7, lines 43, "clients creates session keys which is gradually used for encrypting message/transaction shown on column 7, lines 51-52]; producing at least one enhanced key using the at least one local transaction key;[column 7, lines 43-48](the encrypted session key/enhanced key is produced by local transaction key/session key) determining when the at least one enhanced key is a new key; sending the at least one enhanced key to the source when it is determined that the at least one enhanced key is the new key [when the server receives the encrypted session key/the enhanced key/new key, the server determines to authenticate itself to the client and sends the underlying session key/the new key to client with the message/transaction as described on column 7, lines 50-52]is a new key; and processing the local transaction with the at least one enhanced key using the source, [column 7, lines 53-55, "the session key/enhanced key/ is used for future transaction"] wherein processing the local transaction with the at least one enhanced key include applying a measure of transaction risk.[column 7, lines 53-55, before applying the enhanced key/session key the handshake process indicated at the arrow 210 has to be successful meaning that the client and the server assessed the risk of communication and whatever transaction is going to be made between them over the insecure network]

14. **As per claim 8**, the claim limitation are interpreted in view of the embodiment shown/presented in figure 2-4 by the applicant for the reason indicated above. And these features are similar to the claim 17. Thus, claim 8 is rejected by the same rational provided to the claim 17 above.

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15. **As per claim 6 & 18-22 [includes both claims designated as claim 22]** **Shambroom** discloses a computing a system as applied to claims above. Furthermore **Shambroom** discloses the system wherein the client is arranged to send the keys generated by the key engine as a transaction to the server system. [Column 7, lines 43-48, "client 200 creates session key" and see also claim 21 " a client generated session key" and encrypt it and send it to the server]

16. **As per claim 7** **Shambroom** discloses a computing a system as applied to claims above. Furthermore **Shambroom** discloses the system further including a transaction engine, the transaction engine being arranged to facilitate communication between the server system and the client system.[figure 2-4]

### ***Claim Rejections - 35 USC § 103***

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. **Claims 2-5, 9-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over by anticipated by Shambroom (hereinafter refereed as **Shambroom**) (U.S.Patent No. 5,923756) (Provided by the applicant and included in the applicant IDS



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in view of **Basch** (hereinafter refereed as **Basach**) (International Publication No. WO 98/54667 ) (Publication date: 12/03/1998)

19. **As per claims 2-5, 9-10,13-16 Shambroom discoses** a computing system (figure 1) for processing a transaction [Column 7, lines 53-55] ("encrypt future transactions"), the computing system (See figure 1) comprising:

A server system, [Figure 1, ref. Num "300" and figure 3, ref. Num "305"] the server system being arranged to process information associated with the transaction[Column 7, lines 53-55] (the server 300 continues to use the session key to encrypt future transactions"); and

A client system(figure 1, ref. Num "200" and figure 3, ref. Num "205"), the client system being in communication with the server system[See figure 2], wherein the client system includes a key engine which is arranged generate keys [column 7, lines 43, "client 200 creates session key" and see also claim 21 " a client generated session key"] and

The client system and the server system are arranged to cooperate [column 7, lines 53-55, "see the hand shake shown on figure 2, ref. Num "210" is successful and see also the cooperation of the client and the server shown on figure 2, ref. Num "206"- "212"] to assess risk associated with the transaction. [It is inherently included that the client and the server assessed the risk of communication and whatever transaction is going to be made between them over the insecure network through the steps shown in figure 2]

**Shambroom** does not explicitly disclose

- The server system includes: a profiling engine, the profiling engine being arranged to receive information associated with the transaction, the profiling engine further being arranged to generate features associated with keys associated with the transaction; a clustering engine, the clustering engine being in communication with the profiling engine, the

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clustering engine being arranged to substantially cluster the features into secondary keys; and a replication engine, the replication engine being arranged to compare the keys to the secondary keys to identify differences between the keys and the secondary keys.

However, in the same field of endeavor **Basach** , discloses

The server system includes [figure 3b, “112”]: a profiling engine, the profiling engine being arranged to receive information associated with the transaction, the profiling engine further being arranged to generate features associated with keys associated with the transaction [figure 3b, 208; page 21, lines 15-18]; a clustering engine, the clustering engine being in communication with the profiling engine, the clustering engine being arranged to substantially cluster the features into secondary keys [figure 4, ref. “consolidated database”; page 21, lines 20-23]; and a replication engine, the replication engine being arranged to compare the keys to the secondary keys to identify differences between the keys and the secondary keys. [Page 21, lines 23-page 22, line 11; page 15, lines 13-20]

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to combine the techniques of risk scoring using different components of the server as per teachings of **Basach** in to the method as taught by **Shambroom** in order to enhances the predicting of financial risk in the transaction.[See Basach, Abstract]

20. **As per claim 11** the combination of **Shambroom** and **Basach** discloses a computing a system as applied to claims above. Furthermore **Basach** further including saving the information associated with the transaction to a second database. [figure 4, “transaction Archive”]

21. **As per claim 12** the combination of **Shambroom** and **Basach** discloses a computing a system as applied to claims above. Furthermore **Basach** the system/a computer implemented

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method wherein the information is saved to the second database by a profiling engine.[figure 3b/208]

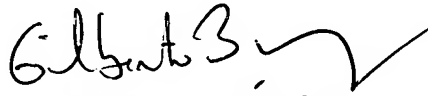
### ***Conclusion***

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.(See PTO-Form 892).

Any inquiry concerning this communication or earlier communications from the examine should be directed to Samson B Lemma whose telephone number is 571-272-3806. The examiner can normally be reached on Monday-Friday (8:00 am---4: 30 pm). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BARRON JR GILBERTO can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**SAMSON LEMMA**  
**S.L.**  
**08/06/2005**

  
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